

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CS WANG & ASSOCIATE, SAT NARAYAN
dba EXPRESS HAULING, ROBERT MEYER
dba MANGIA NOSH, and TAYSIR TAYEH dba
CHIEF'S MARKET, individually and on behalf
of all others similarly situated,
Plaintiffs,

vs.

WELLS FARGO BANK, N.A., FIFTH THIRD
BANK, FIRST DATA MERCHANT SERVICES
LLC., VANTIV, INC., NATIONAL
PROCESSING COMPANY, INTERNATIONAL
PAYMENT SERVICES, LLC dba ELITEPAY
GLOBAL and dba PRIMEPAY GLOBAL,
BRIAN BENTLEY, ANDREW BENTLEY,
ADAM BENTLEY, IRONWOOD FINANCIAL,
LLC dba IRONWOOD PAYMENTS, DEWITT
LOVELACE, and JOHN LEWIS,
Defendants.

Case No. 1:16-cv-11223

Judge Rebecca R. Pallmeyer

Magistrate Judge Mary M. Rowland

**DEFENDANTS WELLS FARGO BANK, N.A., FIRST DATA MERCHANT SERVICES
LLC, AND INTERNATIONAL PAYMENT SERVICES, LLC D/B/A ELITEPAY
GLOBAL'S JOINT MOTION FOR LEAVE TO FILE MOTION TO DISMISS,
MEMORANDUM IN SUPPORT THEREOF, AND EXHIBIT A THERETO UNDER
SEAL**

Defendants Wells Fargo Bank, N.A. ("Wells Fargo") and First Merchant Services LLC ("First Data") respectfully move for leave to file their Motion to Dismiss ("Motion"), Memorandum in Support of their Motion to Dismiss ("Memorandum"), and Exhibit A to the Memorandum under seal. Defendant International Payment Services, LLC d/b/a ElitePay Global ("IPS") joins in this motion insofar as the motion is based upon a provision in a contract to which IPS is a party. In support of this motion, the moving defendants state as follows:

1. Defendants Wells Fargo and First Data will be filing a Motion to Dismiss and a Memorandum in Support of their Motion to Dismiss on April 7, 2017.
2. Multiple grounds upon which the Motion is based involve a Marketing

Agreement. The Memorandum contains several quotations of certain terms and conditions of the Marketing Agreement. It also attaches a copy of the Marketing Agreement as Exhibit A.

3. The Marketing Agreement expressly provides that all terms and conditions thereof are confidential and may not be divulged or disclosed to any third party without the written consent of the parties to the agreement.

4. Counsel for Wells Fargo and First Data informed counsel for IPS of the inclusion of the quotations from the Marketing Agreement in their Memorandum, as well as its inclusion as an exhibit. IPS requested that Wells Fargo and First Data file the Motion to Dismiss and exhibits under seal.

5. Wells Fargo and First Data do not object to IPS's request.

WHEREFORE, Wells Fargo and First Data respectfully move this Court for an Order to file their Motion to Dismiss, Memorandum in Support of their Motion to Dismiss, and Exhibit A to the Memorandum in Support of their Motion to Dismiss under seal, in order to comply with the express terms and conditions of the Marketing Agreement.

Dated: April 7, 2017

Respectfully submitted,

/s/ Colleen Walter

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*Attorneys for Wells Fargo and First
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/s/ Jess M. Krannich

Jess M. Krannich

*Attorneys for Defendants Brian
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Bentley, and International Payment
Services, LLC*

CERTIFICATE OF SERVICE

I hereby certify that on April 7, 2017, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to all counsel of record, namely:

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